S.B.Cr.Misc. Second Bail App. No.896/2007

(Singa Ram & Anr. vs. State of Rajasthan)

Date of order : March 16, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.Vijay Purohit, for the petitioners.
Mr.B.L.Tiwari, Public Prosecutor.

This is second bail application filed by the present petitioners. The first bail application came to be dismissed by this Court on 19.12.2006 as it was not pressed by the counsel appearing for the petitioners.

Heard learned counsel for the petitioners and the Public Prosecutor for the State. Perused the challan papers. I have carefully gone through the FIR.

The sole eye-witness Bheema Ram, who is son of deceased, has stated in the first information report that petitioner No.1 Singa Ram was armed with axe and caused the injuries to his father on his both the legs.

It is contended by the learned counsel for the petitioner that there is no injury by a sharp edged weapon to the deceased, which is evident from the injury report. It is further contended

that the allegation against petitioner No.2 Mohan Ram is that he was armed with the axe and caused the injuries on both the hands and legs of the deceased.

From perusal of the post mortem report, it reveals that the deceased suffered a single injury on each leg i.e. lacerated wound, whereas it has been stated that both the petitioners caused injuries on the legs by sharp edged weapon and, therefore, according to the learned counsel for the petitioner no injury has been caused by the present petitioners. It is further contended that in the occurrence, petitioner No.1 Singa Ram suffered as many as seven injuries and Behta Ram, father of the petitioners suffered as many as four injuries and those injuries have not been explained by the prosecution and lastly, it is contended by the learned counsel for the petitioner that the cause of death of deceased is head injury, which is alleged to have been assigned to Behta Ram, who is not before this Court.

Having considered the totality of facts and circumstances of the case and the fact that the petitioner No.1 Singa Ram and his father suffered numerous injuries in the alleged occurrence and the fatal injury has not been assigned to both the petitioners, I consider it just and proper to enlarge the accused petitioners on bail.

Accordingly, this bail application filed under Sec. 439 Cr.P.C. is allowed and petitioners Singa Ram s/o Behta Ram and Mohan Ram s/o Behta be released on bail in FIR No.76/2006, P.S. Nana, Distt. Pali provided each of them furnishes a personal bond in a sum of Rs.20,000/- with two sound and solvent sureties in the sum of Rs.10,000/- each to the satisfaction of learned trial court for their appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR),J.

m.asif/-